APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,005	01/29/2004	Shinji Tanaka	Q79562	2005

23373 7590 05/22/2007		EXAMINER
SUGHRUE MION, PLLC		NUNEZ, JORDANY
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SUITE 800	ART UNIT	PAPER NUMBER
WASHINGTON, DC 20037	2179	

MAIL DATE	DELIVERY MODE
05/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr>
<td rowspan="2">Advisory Action
Before the Filing of an Appeal Brief</td>
<td colspan="2">Application No.</td>
<td colspan="2">Applicant(s)</td>
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<td colspan="2">10/766,005</td>
<td colspan="2">TANAKA, SHINJI</td>
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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

(a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b)☐ They raise the issue of new matter (see NOTE below);

(c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

WEILUN LO
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that:

1) Applicant submits that in the present invention, the installing or replacing operation of a cartridge is monitored. Namely the status is meant to change from an un-install status to an installed status. On the other hand, Ohtsuka just makes sure an ink cartridge is certainly attached to the printer. The host PC assumes the ink cartridge is attached, and if it is not attached, the PC proceeds to error processing, The host PC does not wait until the cartridge is installed by a user (page 3, paragraph starting with "The Examiner [...]").

2) Applicant submits that in the present invention, it is determined that completion of installation of the cartridge has been performed. Namely, the claimed method waits until the cartridge has been installed, and determines whether the installing operation has been completed. On the other hand, in Ohtsuka, the detection of whether the cartridge is attached or not is to make sure a printing operation is available. If Ohtsuka detects that the cartridge is not attached, an error message is instantly displayed. Ohtsuka does not wait until completion of installing the cartridge (page 4, paragraph starting with "Also, the Examiner [...]").

3) Additionally, the Examiner maintains that Ohtsuka discloses the claimed step-by-step processing. In this regard, the Examiner cites to column 25 line 52 to column 26 line 3 of Ohtsuka. Applicant submits that in the present invention, the processing does not automatically proceed. The processing does not proceed until the cartridge is completely installed and a button has been enabled to proceed to the next steps. In other words, after the completion of installation of the cartridge, the present invention enables the button. On the other hand, Ohtsuka waits for the operation of selecting printing media under the assumption of the ink cartridge being attached. If the cartridge is not attached, it does not wait for the operation. Further, Applicant submits that the operation of print media is not any type of displaying operation for awaiting the completion of installation of the cartridge (page 4, paragraph starting with "Additionally, the Examiner [...]").

4) Further to the above, the Examiner acknowledges that the Ohtsuka reference fails to disclose the enabling button for advancing processing by a user if it is determined that a cartridge has been attached to the printer, but contends that Takemura does. Specifically, the Examiner refers to Figure 46 of Takemura as disclosing the claimed feature. However, Figure 46 merely depicts a user interface regarding print resolution. For example, when a host processor 23 issues a command to print data, the printer driver 114 determines whether print resolution should be designated automatically or by the user (col. 82, line 63 to col. 83, line 5). A user interface, such as that shown in Figure 46 can then be displayed to the user for print resolution designation including printing speed and printing quality. Applicant submits that the print resolution interface fails to teach, suggest or relate to the claimed button for advancing processing when it is determined that a cartridge has been attached to a printer, as set forth in claim 8. Furthermore, there is no disclosed step-by-step process after any detection of cartridge installation as recited in claim 8. Thus, Applicant submits that Takemura fails to cure the deficient teachings of Ohtsuka (page 5, paragraph starting with "Further to the [...]").

Examiner disagrees.

As to 1), the claim is silent as to whether the status is meant to changed from uninstall status to an installed status. Also, there is no limitation reciting that the PC needs to wait until the cartridge is installed by a user. It is not proper to read limitations into the claims that are not in the claims.

As to 2), claim 8 recites "monitoring a status information when a cartridge for printing is installed on the printer or the cartridge is replaced with another cartridge." As acknowledged by Applicant, a status information is monitored (i.e., making sure an ink cartridge is certainly attached) when a cartridge for printing is installed or replaced (i.e., attached). Again, there is no limitation reciting that the PC needs to wait until a user installs the cartridge. Even then, as illustrated by figure 25, the PC checks to see if the ink cartridge is attached over and over, so that the PC described by Ohtsuka does wait until a user attaches the ink cartridge in order to continue processing (e.g., display of Screen B, element s450, takes place after determining that the ink cartridge is attached, element s420).

As to 3), Examiner is unclear as to what Applicant means by "step by step" processing and how that differs from "automatic" processing. All computers perform processes automatically, in the sense that they are machines that perform actions without user intervention. Further, these actions are performed step by step, in other words, in an algorithmic, sequential, logical manner. Therefore, a step-by-step process does not necessarily exclude an automatic process, or vice versa. Further, user intervention does not preclude a process from happening automatically, as the process still happens automatically after the user intervenes.

As to 4), Oshtuka teaches a display B (figure 25, element s450 and Figure 26B) for advancing process by a user if is determined that the cartridge has been attached to the printer (figure 25, element s420). What is not shown is a button. Takemura shows two buttons on a similar display, as acknowledged by Applicant..